

REMARKS

This responds to the Office Action mailed on September 10, 2007.

Claims 1, 8, and 10 are amended; claims 15-20 are canceled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

Example support for the claimed amendments may be found in a variety of locations throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 20, 37, 41, and 45.

§101 Rejection of the Claims

Claims 8 and 15 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although Applicant disagrees with the Examiner's conclusion with respect to this rejection; Applicant has cancelled claim 15 and its dependents, and Applicant has amended claim 8 to show the processing and results the Examiner believes to be missing. Thus, the rejection with respect to claim 15 is now moot and the rejection with respect to claim 8 is now satisfied in the manner suggested by the Examiner. Accordingly, Applicant respectfully requests that these rejections be withdrawn along with an indication of the same to the Applicant in the next correspondence.

§102 Rejection of the Claims

Claims 1-3, 6-12, 14-19 were rejected under 35 U.S.C. § 102(e) for anticipation by Wu (U.S. 6,122,189) (*sic*). To sustain an anticipation rejection each and ever rejected claim limitation must be taught or suggested in the exact detail and identical arrangement in the cited reference.

Initially, Applicant notes that that Examiner referred to Wu in the action via Patent No. 6,122,189 and there are no paragraphs numbers in that reference. In view of this, Applicant has taken this rejection to be with respect to Wu, which is a published application and is not a patent. The patent application number for Wu is 2004/0068572, which Applicant acquired from the Notice of References Cited by the Examiner. If Applicant has incorrectly assumed the Examiner's intention with respect to this rejection, then the Applicant respectfully requests clarification with the next correspondence. Applicant also notes that since this was misapplied

by the Examiner that if the Applicant has in fact assumed incorrectly then the next action cannot be made a Final action, because if this is the case Applicant has not had proper due process to respond in view of the Examiner's oversight. The action did properly refer to Wu and paragraph numbers in Wu but had the wrong serial number for Wu noted; so again, Applicant assumes this was a mere oversight on the part of the Examiner and has assumed in this response that Wu (2004/0068572) is what the Examiner intended.

Wu is a mechanism for saving an entire session of a user so that the same user can later from a different location, perhaps, reconnect and reassume a prior session. In some cases, even different users can access each others previously recorded sessions. Wu does not selectively store session preferences. Moreover, there is no ability for a user in Wu to actively identify a particular preference that a user wants to have. In fact, in Wu a user either reassume and entire previously recorded session or starts a new session. A user cannot save one small and desired preference of one session and have it automatically available in another session. These teachings are littered throughout the Wu reference; as but a few examples in support of this interpretation of Wu the Examiner's attention is directed to Wu paragraphs 40, 42, 46, 49, 59, and 64.

Applicant has amended the pending independent claims 1 and 8 to include a limitation where an entity via a prior transaction elects a particular option to save a preference. This selectiveness now defined in the claims cannot be achieved in Wu. In Wu it is either the entire session or none at all; the user cannot select or define the preference to be re-established in a next transaction.

As a side note with respect to the rejection of dependent claim 3, Applicant has read and re-read the paragraphs 54 and 55 in Wu and cannot determine how it is that this passage reads on Applicant's dependent claim 3. The Applicant is respectfully requesting a more detailed analysis from the Examiner with respect to this rejection and the Examiner's interpretation of paragraphs 54 and 55 of Wu in the next correspondence. Applicant is of the opinion that no where expressly or inherently in Wu is there any teaching of search queries.

Accordingly, Applicant respectfully requests that the rejection of record be withdrawn and that the claims 1-14 be allowed. Applicant respectfully requests an indication of the same with the next correspondence from the Examiner.

§103 Rejection of the Claims

Claims 4, 5, 13, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Batra (U.S.6,122,189). Applicant notes that these claims are dependent from either amended independent claims or claims that have been cancelled, without prejudice to the Applicant; consequently in view of the amendments, remarks, and cancellations noted above, these dependent claims should be allowed with respect to claims 4, 5, and 13 and the rejection with respect to claim 20 is now moot.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

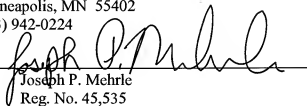
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4370.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 12-10-07

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10th day of December 2007.

KIMBERLY BROWN

Name



Signature